

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Claude E. Brown
Issued Patent No.: 5,848,492
Patent Issue Date: December 15, 1998
For: AGRICULTURAL METHODS WITH SUPERHEATED STEAM
Attorney Docket: 0800132.15

**CERTIFICATE OF MAILING
BY "EXPRESS MAIL"**

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I hereby certify that this paper, accompanying documents are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and are addressed to Assistant Commissioner for Patents, Box Reissue, Washington, DC 20231

December 15, 2000
Date


Joel Drake

BOX REISSUE

Assistant Commissioner for Patents
Washington, D.C. 20231

REISSUE APPLICATION DECLARATION BY THE INVENTOR

As the below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names.

We believe we are the original, first inventors of the subject matter which is described and claimed in patent number 5,848,492 issued on December 15, 1998 for which a reissue patent is sought on the invention entitled **AGRICULTURAL METHODS WITH SUPERHEATED STEAM**, the specification of which was filed by an authorized person on my behalf on December 15, 2000.

We have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

We verily believe the original patent to be wholly or partly inoperative or invalid, by reason of the patentee claiming more or less than patentee had a right to claim in the patent.

At least one error upon which reissue is based is that the applicant had claimed less than he was entitled to claim.

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicants.

Inventor hereby affirms that the above-referenced patent has not been assigned to other parties.

As the named inventors, we hereby appoint the following attorneys and patent agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith and request that all correspondence and telephone calls in respect to this application be directed to COUDERT BROTHERS, 4 Embarcadero Center, Suite 3300, San Francisco, CA 94111, Telephone No. (415) 986-1300:

<u>Attorney</u>	<u>Reg. No.</u>
David Schnapf	31,566
Robert D. Becker	37,778
Richard A. Dannells, Jr.	22,654
James W. Drapinski	46,242
John W. Carpenter	26,447
Martin F. Majestic	25,695
Keiichi Nishimura	29,093

<u>Patent Agent</u>	
Steven R. Vosen	45,186
Hal R. Yeager	35,419
Tom Brody	46,433

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of patentee:

Claude Brown

Inventor's signature:

Date:

Residence and Post Office Address:

Claude Brown
14281 Vintage Road
Lodi, California 95240

Citizenship:

United States

Address for Correspondence:

Steven R. Vosen
COUDERT BROTHERS
4 Embarcadero Center, Suite 3300
San Francisco, CA 94111

SRV: jrd

Full name of patentee:

Claude Brown

Inventor's signature:

Claude E Brown
3/9/01

Date:

Residence and Post Office Address:

Claude Brown
14281 Vintage Road
Lodi, California 95240

Citizenship:

United States

Address for Correspondence:

Steven R. Vosen
COUDERT BROTHERS
4 Embarcadero Center, Suite 3300
San Francisco, CA 94111

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STATEMENT OF STATUS/SUPPORT FOR CHANGES TO CLAIMS
UNDER 37 CFR § 1.173(c)

BOX: REISSUE
Commissioner for Patents
Washington, D.C. 20231

Sir:

Changes to the claims are presented in the Preliminary Amendment attached herewith. This paper presents a status of claims and support for changes are presented in the attached Preliminary Amendment.

STATUS OF CLAIMS

Claims 1 – 18 remain from the original application. Of those, claims 11 and 12 have been amended with this amendment. New claims 19 – 43 are presented with this amendment.

SUPPORT FOR CLAIM CHANGES

The claim changes included herein are presented to correct, within two years of the original issue date, the error of having claimed less than the patentee had the right to claim in the original patent. Support for claim changes are found at several places within the specification and drawings.

The following are illustrative examples indicating support for these changes. They are not the only examples within the specification and drawings to support these changes, nor are the examples meant to limit the scope of the claims.

Amended claims 11 and 12 more broadly claim the use of superheated steam to defoliation, which is also addressed in new claims 19 – 21. The invention has been described, in part, as being generally useful for defoliating plants. Support for claims to defoliation in general can be found at column 2, lines 39 – 42, and in FIG. 1 and the supporting text. While not meant to limit the scope of the invention, the specification describes the use of superheated steam to defoliate plants in general (column 2, lines 43 – 46), and also describes some specific examples, for example to a vine, tree, shrub or the like (column 4, lines 8 – 10).

Claims 22 – 29 and 30 – 36 are directed to treatment of grafts. An example of the application to grafts can be found in column 5, lines 5 – 8.

Claims 37 – 43 are to the previously disclosed matter of fumigation. The invention has been described, in part, as being generally useful for fumigation. Support for claims to fumigation are found, in part, in the SUMMARY OF INVENTION, and at column 5, lines 11 – 14.

CLOSING

In view of the foregoing, it is now believed that all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (415) 986-1300.

Respectfully submitted,


Steven R. Vosen
Registration No. 45,186

December 15, 2000
COUDERT BROTHERS
4 Embarcadero Center, Suite 3300
San Francisco, CA 94111
Telephone: (415) 986-1300; Telefax: (415) 986-0320